

REMARKS

This Amendment is in response to the final Office Action dated February 3, 2009 (the Action). A Request for Continued Examination is filed herewith, and entry of the above amendments is respectfully requested.

Claims 1, 2, 3, 5, 7, 12, 13 and 16 stand rejected in the Action under 35 U.S.C. 103(a) as being anticipated by European Patent Application EP 0311807 to Kabushiki ("Kabushiki") in view of "How I made these Animations" by Matt Keveney ("Keveney"). Claims 14 and 15 stand rejected in the Action under 35 U.S.C. 103(a) as being unpatentable over Kabushiki in view of Keveney and U.S. Patent No. 5,548,084 to Tracy ("Tracy"). Claims 4, 6, 8, 9, 10 and 11 stand rejected in the Action under 35 U.S.C. 103(a) as being unpatentable over Kabushiki in view of Keveney and U.S. Publication No. 2003/0026593 to Betti ("Betti").

Applicant hereby requests reconsideration for the following reasons.

Claim 1 recites as follows (emphasis added):

A method of determining usability of a coded file in an application, the method including

obtaining at least one property of the coded file, wherein the at least one property comprises properties other than the application type or file format including at least one of color depth, width of picture, height of picture and/or animation information,

matching the property including at least one of color depth, width of picture, height of picture and/or animation against limitations of at least one application where the file could be used, wherein the application uses a certain application type of file but has limitations regarding the properties of the type of file,

generating an indication indicating whether or not the file can be used in the application based on the matching, and

associating the indication with the coded file for later enabling of a decision about use of the file in the application.

Applicants' paper dated November 6, 2008 discusses that Kabushiki merely recognizes a file extension and matches it with the appropriate application. In response, the Action states that a file saved with a file extension can be used to identify a data file's format and concludes that it can be one of the properties of the prepared file. See the Action, page 3.

In order to expedite prosecution, the independent Claims 1, 7 and 16 have been amended above to clarify that the at least one property of the coded file comprises properties other than the application type or file format including at least one of color depth, width of picture, height of picture and/or animation information. Support for the above amendments can be found, for example, in the Specification in paragraphs [0049], [0050] and [0054].

Applicants submit that the alleged "generating an indication of whether or not the file can be used" based on the file extensions in Kabushiki does not disclose or render obvious the recitations of Claim 1, including "obtaining at least one property of the coded file, wherein the at least one property comprises properties other than the application type or file format including at least one of color depth, width of picture, height of picture and/or animation information." The file extensions of Kabushiki also do not disclose "matching the property including at least one of color depth, width of picture, height of picture and/or animation against limitations of at least one application where the file could be used," or "the application uses a certain application type of file but has limitations regarding the properties of the type of file," as recited in Claim 1. The sorting techniques of Kabushiki based on file extensions also cannot disclose "generating an indication indicating whether or not the file can be used in the application based on the matching, and associating the indication with the coded file for later enabling of a decision about use of the file in the application" as recited in Claim 1.

Although the Action concedes that Kabushiki does not disclose that the property includes color depth, width of picture, height of picture and/or animation information, the Action alleges that Keveney discloses these features. However, Keveney merely discusses how to make an animation with a CAD program, and does not relate to obtaining properties of coded files and matching the property against limitations of at least one application where the file could be used. Accordingly, Keveney does not provide the missing elements of Kabushiki.

In addition, Applicants submit that there is no apparent reason to combine Kabushiki and Keveney as required under 35 U.S.C. 103 for the reasons stated in Applicants' paper

dated November 6, 2008. In addition, the Action attempts to provide additional reasons to combine Kabushiki and Keveney by stating that "background grouping would have made the manipulation individual [sic] parts easier without disturbing other things in the drawing as suggested by Keveney." *See* the Action, page 4. However, Kabushiki is not in any way related to the manipulation of individual parts of drawings and Applicants cannot ascertain how background groupings could be used in the system discussed in Kabushiki. Accordingly, Applicants submit that the alleged reasons to combine Kabushiki and Keveney are insufficient under 35 U.S.C. 103.

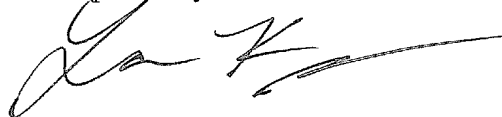
The recitations discussed above that are not disclosed by Kabushiki and Keveney are also not disclosed in Tracy or Betti. Independent Claims 7 and 16 include recitations similar to those discussed above and are likewise patentable over the cited art. Claims 2-6 and 8-15 depend from Claims 1 and 7, respectively, and are patentable at least per the patentability of the claims from which they depend.

Accordingly, Applicant requests that the rejections of Claims 1-16 be withdrawn.

CONCLUSION

Accordingly, Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



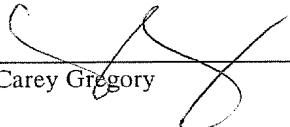
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CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on May 1, 2009.

Signature:  _____
Carey Gregory